

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
**CHARLES VORNDRAN**  
**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP**  
**100 GALLERIA PARKWAY, N.W., SUITE 1750**  
**ATLANTA, GA 30339**

## PCT

NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL SEARCH REPORT AND  
 THE WRITTEN OPINION OF THE INTERNATIONAL  
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference <b>50501-2220</b>	Date of mailing (day/month/year)
International application No. <b>PCT/US04/09548</b>	International filing date (day/month/year) <b>29 March 2004 (29.03.2004)</b>
Applicant <b>EMORY UNIVERSITY</b>	

1. ☒ The applicant is hereby notified that the International Searching Authority have been established and are transmitting the international application (see Rule 46):  
 When the international application is transmitted, the international application (see Rule 46):  
 two months from the date of transmittal of the international application.  
 For more detailed instructions, see the notes or the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the decision under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
  - ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**


Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer  Rebecca L. Anderson Telephone No. (571) 272-1600
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

**THOMAS, KAYDEN  
 HORSTEMEYER & RISLEY, L.L.P.**

JAN 10 2005

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/09548

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims NONE YES  
Claims 2 NO

Inventive step (IS)

Claims NONE YES  
Claims 2 NO

Industrial applicability (IA)

Claims 2 YES  
Claims NONE NO

2. Citations and explanations:

Claim 2 lacks novelty under PCT Article 33(2) as being anticipated by NICOLAOU et al. which discloses the product 283, scheme 8, page 9950 which is 1-[(2,2-dimethyl-2H-chromen-6-yl)(phenyl)methyl]-1H-imidazole. Since claim 2 lacks novelty under PCT Article 33(2) it also lacks inventive step under PCT Article 33(3).

Claim 2 meets the criteria set out in PCT Article 33(4), and thus has industrial applicability because the subject matter claimed can be made or used in industry.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments ?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

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To:  
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(PCT Rule 44.1)

Applicant's or agent's file reference  International application No. PCT/US04/09548 Applicant EMORY UNIVERSITY	Date of mailing (day/month/year) <b>05 JAN 2005</b>  <b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below  International filing date (day/month/year) 29 March 2004 (29.03.2004)
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1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
 Filing of amendments and statement under Article 19:  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35  
  
 For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

## DOCKETED

ISR RESPONSE DUE 3/5/05  
 Demand due (from transmittal dt) = 4/5/05

THOMAS, KAYDEN  
HORSTEMEYER & RISLEY, LLP

JAN 10 2005